

Claims 43-45 are added hereby, support for which is found in original claims 28, 30 and 34, as well as examples 7-12 in the specification.

Claims were restricted under 35 U.S.C. §121 to four groupings (i-iiii) of claims. Applicants elect to prosecute Group I, claims 1-18, and new claims 43-45, all drawn to a method of preparing LPA, with traverse.

Pursuant to the requirement for election of species in each of four categories (A-D), Applicants elect as species:

- (A)(achiral acid) iminodiacetic acid (specification page 50).
- (B)(sequence) C-terminal sequence of OspC from *Borrelia burgdorferi*,
H-ProValValAla-GluSerProLysLysPro-OH.
- (C)(moiety) biotin-NH(CH₂)₅CO.
- (D)(LPA) FmocN(CH₂CO-ProValValAlaGluSerProLysLysPro-OH)₂, i.e.,
LPA-I, in new claim 43.

Traversal is maintained with respect to the restriction requirement under §121, between Group I and II. According to the statement of restriction, restriction between Groups I and II is appropriate, allegedly, because “the process as claimed [Group I] can be used to make other and materially different ligands [Group II].” The aforesaid allegation in the statement of restriction is incorrect on its face.

The product (ligand) claims of Group II are defined as “obtainable by the method defined in claim 1” (claim 19, amended). Claim 1 is defined as a method for preparing LPA. Since claim

19 covers any product made by the method of claim 1, the only product that can be made according to method claim 1 (Group I) is the product defined by claim 19 (Group II). Thus, the method claims of Group I cannot be used to make a materially different product than the product defined in Group II.

Since the method claims of Group I cannot be used to make a materially different product than the product defined in Group II, the reason for the restriction between the claims of Group I and Group II is incorrect. Thus, restriction between the two groups is improper and withdrawal of the restriction between the two groups of claims is in order.

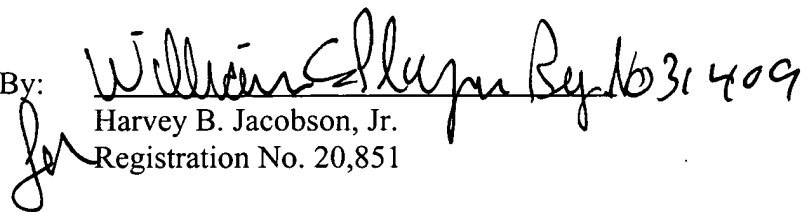
Traversal is maintained with respect to the election of species requirement, to the extent that claim 1, identified as generic in the election of species requirement, cannot be sub-divided by restriction. Applicants are entitled to examination of the generic claim; and, if the generic claim is held allowable, Applicants are entitled to dependent claims covering a reasonable number of species covered by the claimed genera.

Favorable action is requested.

Respectfully submitted,

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